

REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein.

Claim Rejection - 35 U.S.C. § 112, second paragraph

Applicants submit a marked and a clean copy of claim 48 with “authenticated buyer” replaced by --intermediary-- as requested by the Examiner to clarify an earlier amendment. Applicants therefore request that the rejection of claim 48 under 35 U.S.C. § 112, second paragraph be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1, 55 and 56 were rejected as being unpatentable over the TechShopper article in view of U.S. Patent No. 6,131,087 issued to Luke (*Luke*). For at least the reasons set forth below, Applicants submit that claims 1, 55 and 56 are not rendered obvious by the TechShopper article and *Luke*.

Claim 1 recites the following:

receiving a set of product attributes denoting a customer's desired product configuration and ***flexibility constraints corresponding to one or more of the product attributes;***

automatically transmitting an automatically prepared request for quote (RFQ) to an automatically selected set of sellers, the RFQ including at least a subset of the received set of product attributes; and

notifying the requesting customer upon receipt of quotes in response to the transmitted RFQ.

Thus, Applicants claim using attributes including flexibility constraints corresponding to one or more attributes to transmit an automatically prepared request for quote. Claim 55 is drawn to a storage medium storing instructions to perform the method of claim 1. Claim

56 is drawn to a computer system that generates a request for quote including flexibility constraints.

Claims 1, 55 and 56 were rejected as being unpatentable over the previously cited TechShopper article. In response, Applicant maintains the arguments presented in previous responses and adds the following in respectfully traversing the rejection of such claims. While the TechShopper article discloses matching a buyer's needs to available products, the TechShopper article does not teach or suggest use of flexibility constraints associated with the attributes desired by the user. *Luke* discloses matching of buyers and seller in an electronic marketplace. *Luke* uses "lower," "preferred" and "upper" bounds on attributes to accomplish the match. However, *Luke* does not disclose flexibility constraints. Therefore, no combination of the TechShopper article and *Luke* teaches or suggests the invention as claimed in claim 1.

Claims 32-42, 45, 54, 59-67 were rejected as being unpatentable over the TechShopper article in view of *Luke* and further in view of well-known business practices. Claims 32-42, 45 and 54 depend from claim 1. Claims 59-67 depend from claim 56. Applicant maintains the arguments of past responses traversing the Official Notice of well-known business practices relied upon in the rejection.

Moreover, adopting the characterization of the well-known business practices, and without the need to further characterize the well-known business practices, Applicant respectfully submits that the practices are not cited as curing and do not, in fact, cure the deficiencies of the TechShopper or *Luke* references with respect to claims 1 or 56. Accordingly, Applicant respectfully submits that claims 1 and 56 remain patentable over the cited combination(s) of the TechShopper, *Luke* and/or business practices.

Accordingly, in addition to any independent basis for patentability, claims 32-42, 45, 54, 59-67 are dependent on patentable base claims 1 or 56 and are, in this regard, patentable over the cited references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

Claims 52, 53 and 71 were rejected as being unpatentable over the TechShopper article in view of *Luke* and further in view of U.S. Patent No. 5,769,207 issued to Walker (*Walker*). In accordance with Applicant's past characterization of *Walker*, Applicant respectfully submits that *Walker* is not cited as curing and does not, in fact, cure the limitations of the TechShopper and "well-known" business practices presented above. In this regard, Applicant respectfully asserts that claims 1, 55 and 56 remain patentable over the cited TechShopper, conventional business practices, and *Walker*.

Applicant notes that, in addition to any independent basis for patentability of claims 52, 53 and 71, such claims are dependent on otherwise patentable base claims 1 or 56 and are likewise patentable over the cited references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

Claims 30, 31, 46-50, 57, 58, 69 and 70 were rejected as being unpatentable over the TechShopper article in view of *Luke* and further in view of U.S. Patent No. 4,992,940 issued to Dworkin (*Dworkin*). In accordance with Applicant's past characterization of *Dworkin*, Applicant respectfully submits that *Dworkin* is not cited as curing and does not, in fact, cure the limitations of the TechShopper and "well-known" business practices presented above. In this regard, Applicant respectfully asserts that claims 1, 55 and 56

remain patentable over the cited TechShopper, conventional business practices, and *Dworkin*.

Applicant notes that, in addition to any independent basis for patentability of claims 30, 31, 46-49, 57, 58, 69 and 70, such claims are dependent on otherwise patentable base claims 1 or 56 and are, likewise, patentable over the cited references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the §103(a) rejection of such claims be withdrawn.

Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1, 30-50 and 52-71 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Date: April 7, 2003


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